THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 11577 of 2007

DATED: 25.06.2007

Between:
M/s.Priyanka Creations.

... PETITIONER

AND

Superintending Engineer and others.

... RESPONDENTS

ORDER:

The petitioner is a tenant of ground floor in Santhinagar Apartments, Dargamita, Nellore District, owned by the third respondent. Disputes arose between the petitioner and the third respondent. Apprehending forcible eviction from the premises, the petitioner filed O.S.No.370 of 2004 in the Court of the Junior Civil Judge, Nellore. The petitioner obtained an order in I.A.No.926 of 2004 to deposit the rents into the Court.

The petitioner claims to have obtained electricity connection for the premises in its name. On a representation made by the third respondent, respondents 1 and 2 have issued a show-cause notice to the petitioner and thereafter, disconnected the power supply. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned standing counsel for respondents 1 and 2. Though notice was issued to the third respondent, the envelope was returned with an endorsement that the addressee left without instructions. The same is taken as service.

The very fact that O.S.No.370 of 2004 filed by the petitioner is pending discloses that there are certain disputes between the petitioner on the one hand and the third respondent on the other. As of now, the rents are being deposited with the Court on the strength of the order passed by the trial Court in I.A.No.926 of 2004. The petitioner strongly contends that the power supply was

obtained by it by making necessary deposits. As long as the power connection is in the name of the petitioner, respondents 1 and 2 cannot disconnect the same on a representation made by the third respondent. Even otherwise, the third respondent ought to have worked out her remedies in the pending suit, than to get the supply disconnected by approaching respondents 1 and 2.

For the foregoing reasons, the writ petition is allowed and respondents 1 and 2 are directed to restore the power supply to the petitioner on usual terms. It is, however, directed that such restoration shall be subject to any orders that may be passed by respondents 1 and 2, be it at the instance of the petitioner or the third respondent. There shall be no order as to costs.

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25.06.2007

Note: Issue c.c. in three days.
(B/o)
kdl